

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket No.:
DIVER1280-6

In re Application of:
Short and Keller

Application No.:
09/738,871

Filed:
December 14, 2000

For:
HIGH THROUGHPUT OR SCREENING
FOR A BIOACTIVITY OR BIOMOLECULE

Group Art Unit:
1639

Examiner:
J.D. Epperson

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated July 27, 2004
of the Examiner rejecting claims 65-71.

1.	X	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$500.00
	X	SMALL ENTITY	\$250.00

2.	X	A petition and fee for an extension of time for reply to the rejection is attached.							
X	Extension Fee (37 C.F.R. 1.17(a))								
		Other than small entity							
			\$120.00		\$450.00		\$1,020.00		\$1,590.00
	X	SMALL ENTITY							
			\$60.00		\$225.00	X	\$510.00		\$795.00

02/01/2005 HDEMSS1 00000019 09738871

01 FC:2401

250.00 OP

GT\6431549.1
104703-135

In re Application of:

Short et al.

Application No.: 09/975,036

Filed: October 10, 2001

Page 2

PATENT

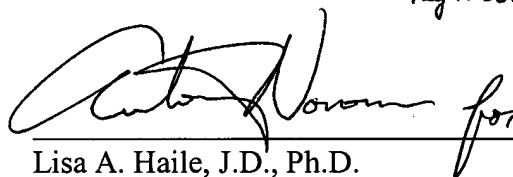
Attorney Docket No.: DIVER1280-17

3.	X	Enclosed is Check No. <u>573630</u> in the amount of \$825.00; which consists of \$250.00 for the appeal fee, \$65.00 for Terminal Disclaimer fee and \$510.00 for Three (3) Month Extension of Time fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment, to Deposit Account No. 07-1896.
----	---	---

Respectfully submitted,

Reg. No. 45,517

Date: January 27, 2005



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP

4365 Executive Drive, Suite 1100

San Diego, CA 92121-2133

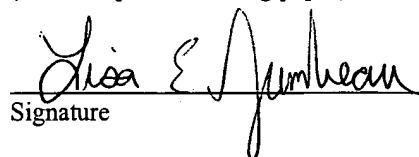
USPTO CUSTOMER NO. 28213

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, **January 27, 2005**, in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lisa E. Jambeau

(Name of person mailing paper)



Signature

January 27, 2005

Date